

**REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND
SKILLS****REVISED NOTTINGHAMSHIRE FAIR ACCESS PROTOCOL****Purpose of the Report**

1. This report seeks approval, following public consultation, of a revised Nottinghamshire Fair Access Protocol, attached as **Appendix 1**.

Information

2. Each local authority is required to have in place a Fair Access Protocol, which must be consulted upon and developed in partnership with schools. This requirement is described in the School Admissions Code 2021, which sets out new and updated requirements for the Local Authority in respect of Fair Access.
3. Fair Access Protocols support timely access to education for the most vulnerable children.
4. The County Council's Fair Access Protocol has been revised to ensure the Council discharges mandatory requirements in relation to Fair Access as stated in the School Admissions Code 2021.
5. Nottinghamshire County Council consulted on a revised Fair Access Protocol between 4 August 2021 and 19 September 2021.
6. The consultation was available for the full period on the Council's website and information about where to access the consultation was sent to:
 - all community and voluntary controlled schools in Nottinghamshire
 - all own admission authority schools in Nottinghamshire
 - chairs of governing bodies of Nottinghamshire schools
 - all neighbouring local authorities
 - diocesan representatives
 - county and borough councillors
 - parish councils
 - registered early years providers within Nottinghamshire.

In addition, information reminding schools within Nottinghamshire of the consultation was shared in September 2021 via the 'Pulling Together Nottinghamshire: Bulletin 140', Governor Clerks and Heads and Chairs briefings and secondary locality panels.

7. All 26 responses received by 19 September 2021 were considered.
8. The consultation asked seven questions about proposed additions to the Nottinghamshire Fair Access Protocol and sought responses from consultees regarding their level of agreement with the proposed protocol.
9. The proposed key changes to the Protocol are as follows:

Introduction:

- updated to reference new Code
- made clear the intention that Fair Access Protocol is used to support the most vulnerable
- references 20 day time scale imposed by new Code

Overall procedures and context:

- updated to reference new Code
- makes requirement for panels to meet every four school weeks and for a representative with decision making authority to attend
- update of Fair Access Protocol qualifying criteria in line with new Code
- includes requirement to report back applications within two days
- requires that the Local Authority will send out agenda three school days prior
- formalises chairing and minute taking responsibility sits with schools

Requests by school for referral to fair access panel:

- takes definition of challenging behaviour from new Code
- requires school to submit evidence at the time of indicating an intention to refuse otherwise the application must be processed through usual process

Locality panel decision making:

- updated to include that the Local Authority will make placement recommendations to panels
- clarifies data that will be brought by the Local Authority to support decision making
- specifies that children placed under criterion 'L' and no other Fair Access Protocol criteria met will be reported as a separate figure as they are not usually complex admissions
- requirement to identify a place within 20 school days of referral to the Protocol
- updated to make clear that not all Electively Home Educated children will be placed through Protocol
- specifies arrangements should a placement not be agreed or a school does not admit following agreement

Additional funding:

- Home to School Travel Assistance updated to reflect current policy

Monitoring and review:

- updated Local Authority monitoring and review role to reflect how monitoring is undertaken

Appendices – the following have been added to this proposed Protocol:

- Appendix 1 - Process for secondary placement requests via the Protocol
- Appendix 2 - Consideration of refusals on the grounds of behaviour
- Appendix 3 - Fair Access Team contact details.

10. A summary of the consultation is presented in **Appendix 2**, with an analysis of responses. A redacted version of all the comments made by respondents is available as a background paper.

Other Options Considered

11. The existing Fair Access Protocol remains in place but this does not reflect mandatory requirements as specified in the School Admissions Code 2021.

Reason/s for Recommendation/s

12. To enable the County Council to meet its statutory responsibility with regard to having a Fair Access Protocol. The recommendation is based upon legislative requirements and responses to the consultation that was carried out (**Appendix 2**).

Statutory and Policy Implications

13. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

14. There are no financial implications arising from the report.

Public Sector Equality Duty implications

15. An Equality Impact Assessment has been carried out and is available as a background paper.

Safeguarding of Children and Adults at Risk Implications

16. Nottinghamshire County Council's Fair Access arrangements support the safeguarding of vulnerable children by ensuring timely access to education, in line with the provisions of the School Admissions Code 2021.

Implications for Service Users

17. Nottinghamshire County Council's Fair Access arrangements are agreed following public consultation and ensure fairness and equity for all service users.

RECOMMENDATION/S

- 1) That a revised Nottinghamshire Fair Access Protocol, attached as **Appendix 1**, be approved.

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Constitutional Comments (KK 23/09/21)

18. The proposal in this report is within the remit of the Policy Committee.

Financial Comments (MDN 28/09/21)

19. There are no financial implications arising from the report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Consultation documents available on the consultation database at <https://consult.nottinghamshire.gov.uk/children-and-families-services/nottinghamshire-fair-access-protocol/>

Equalities Impact Assessment, available at <http://www.nottinghamshire.gov.uk/jobs-and-working/equality/completed-equality-impact-assessments-eqias>

School Admissions Code 2021, which is available at [School admissions code 2021 \(publishing.service.gov.uk\)](https://www.schooladmissionscode.gov.uk/)

[Fair Access Protocols; Guidance for school leaders, admission authorities and local authorities, August 2021](#)

[Fair Access Protocol consultation update – report to Children and Young People's Committee on 13th September 2021](#)

Redacted version of comments made by respondents to the online consultation

Electoral Division(s) and Member(s) Affected

All.

C1509